

**Federal Defenders
OF NEW YORK, INC.**

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September 9, 2024

BY ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

**Re: United States v. Michael D'Angelo
 23 Cr. 327 (PGG)**

Dear Judge Gardephe:

I write, as counsel to Michael D'Angelo in the above-captioned matter, to respectfully request that the Court order Probation to revise Mr. D'Angelo's final presentence report to reflect that he has been released from New Jersey State custody and is now in primary federal custody. See Ex. A.

As detailed in his August 22, 2024 sentencing submission, Mr. D'Angelo has been incarcerated at MDC Brooklyn since June 15, 2023, when he was written to federal custody from state custody. Doc. 39. Since then, he has received no credit toward his federal sentence. *Id.* On September 4, 2024, Bergen County Judge Nina Remson signed an order releasing Mr. D'Angelo from state custody. Ex. A. He will continue to remain detained on the federal matter. Accordingly, Mr. D'Angelo's records should reflect that he is now in primary federal custody for purposes of calculating his federal sentence. 18 U.S.C. § 3585.

The Bureau of Prisons relies heavily on an individual's presentence report when computing their federal sentence. In order for the Bureau of Prisons to properly calculate and credit Mr. D'Angelo's federal time, the final presentence report must be updated to reflect his release from state—not federal—custody. Probation has indicated that it cannot revise the final presentence report without an order from the Court.

For these reasons, Mr. D'Angelo respectfully requests that the Court order Probation to update Mr. D'Angelo's presentence report to reflect the change in state custody status, including

uploading the New Jersey State release order to “Capture” along with the final presentence report.
See Ex. A.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Marne L. Lenox, Esq.

Counsel for Michael D'Angelo

cc: Henry Ross, Assistant U.S. Attorney

SO ORDERED:



THE HONORABLE PAUL G. GARDEPHE
United States District Judge

Date: September 10, 2024